



CITY OF EVANSTON DENIAL OF REQUEST FOR PUBLIC RECORDS UNDER FOIA

To: Matt Brown
Dept MR 59456
411A Highland Ave
Somerville, MA 02144

On August 13, 2018, the City of Evanston received your written request for the inspection, copying, or certification of certain City public records ("Your Request") pursuant to the Freedom of Information FOIA ("FOIA").

1. Denial of Request

— Your Request is hereby denied in its entirety. The reason(s) for denial are stated in Paragraph 3 or reason stated below:

The Evanston Police Department does not have any records for the requested name.

— Your Request has been denied in part. The records for which Your Request is denied and granted are detailed below:

(a) Your Request is denied as to the following records (the "Specified Records"):

(b) Your Request is granted in part as the following records (the "Approved Records"):

Notice of the Right to Review

You have the right to file a request for review of Your Request and this Notice of Denial by the Public Access Counselor of the Office of the Illinois Attorney General. The Public Access Counselor may be contested at 500 South 2nd Street, Springfield, Illinois 62706, or by telephone at (217) 558-0486. In addition, you have the right to seek judicial review of this denial.

2. Justification of Denial

Your Request is being denied with respect to the Specified Records because the Specified Records are exempt from disclosure pursuant to FOIA for the following reason or reasons (references are to sections of FOIA):

(a) Personal Privacy

The Specified Records are private information. § 2(c-5), § 7(1)(c)

(b) Internal Operations

- The Specified Records relate to pending negotiations for the purchase or sale of real estate. § 7(1)(r)

(c) Law enforcement and security

- The Specified Records were created in the course of administrative enforcement proceedings, or for law enforcement purposes, and disclosure would:

- interfere with a pending or actually and reasonably contemplated law enforcement proceeding by the City. § 7(1)(d)(i)
- interfere with active administrative enforcement proceedings by the City. § 7(1)(d)(ii)
- unavoidably disclose the identity of a confidential source or confidential information provided by the confidential source, or the identity of persons who file complaints with or provide information to administrative, investigative, law enforcements or penal agencies. § 7(1)(d)(iv)
- disclose unique or specialized investigative techniques other than those generally used and known, and disclosure would result in demonstrable harm to the City. § 7(1)(d)(v)
- endanger the life or physical safety of any person. § 7(1)(d)(vi)
- obstruct or interfere with an active or ongoing criminal investigation by the City. § 7(1)(d)(iv), § 7(1)(d)(vii)

(e) Attorney Communications

- The Specified Records were prepared or compiled at the request of an attorney advising the City in anticipation of criminal, civil, or administrative proceedings. § 7(1)(m)
- The Specified Records were prepared or compiled with respect to an internal audit of the City. § 7(1)(m)

(g) Personnel

- The Specified Records are test questions, scoring keys, or other examination data used to determine employment or license qualifications. § 7(1)(q)
- The Specified Records relate to adjudication of an employee grievance or disciplinary case, and do not constitute the final outcome of a case in which discipline was imposed. § 7(1)(n)
- The Specified Records relate to employee collective bargaining matters and do not constitute a final collective bargaining agreement. § 7(1)(p)
- Disclosure of the Specified Records is prohibited by the Personnel Records Review FOIA. § 7.5(q)

(h) Not Public Records

- The Specified Records are neither prepared by or for the City, nor have the Specified Records been or are being used by, or received by, the City. § 1, § 2(c)

- The Specified Records are not within the City's possession or control, nor are the Specified Records related to a governmental function. § 1, § 2(c), § 7(2)

(i) Miscellaneous:

- Your Request, couched in categorical terms, is unduly burdensome because the burden on the City of complying with Your Request outweighs the public interest in providing the Specified Records, and efforts to reduce Your Request to manageable proportions have been unsuccessful after the City's extension of the opportunity to meet and confer on the documents requested. § 1 &3(g)
- Your Request is unduly burdensome because you have repeatedly requested the Specified Records, which records are unchanged or identical to records previously provided or properly denied pursuant to the FOIA § 3(g)
- Disclosure of the Specified Records is specifically prohibited by the following Federal or State law, rule: _____ §7(1(a))

(j) Body Camera Footage:

- Disclosure of the Specified Records is prohibited by the Illinois Freedom of Information Act. 5 ILCS 140/7.5(cc)
- Disclosure of the Specified Records is further prohibited by the Illinois Law Enforcement Officer-Worn Body Camera Act. 50 ILCS 706/10-20(b).

3. You have a right to appeal this decision within 60 days to Sarah Pratt, Acting Public Access Counselor, Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, (phone number 1-877-299-FOIA) or to seek judicial review under Section 11 of FOIA, 5 ILCS 140/11.

Dated: August 17, 2018

CITY OF EVANSTON

By:



Title: Chief of Police



Evanston Public Record Requests

Request #18-848

OPEN

As of August 17, 2018, 10:30am

Request Visibility: Restricted

Details

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

Any incident reports OR arrest reports OR citations involving Kevin Reece Wilson (born October 23, 1961) from January 1, 1999-January 1, 2002

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Matt Brown

Received

August 14, 2018 via web

Due



Evanston Public Record Requests

August 21, 2018

Departments

Police

Requester

Matt Brown

59456-80825618@requests.muckrock.com
Dept MR 59456 411A Highland Ave, Somerville, MA 02144-2516
(617) 299-1832

Requester email status list

Request opened

- **Sent** *August 14, 2018, 10:35am*
- **Delivered** *August 14, 2018, 10:36am*

Department changed

- **Sent** *August 16, 2018, 11:04am*
- **Delivered** *August 16, 2018, 11:05am*

Tags

Documents

Public (pending)

(none)

*Requester
Only*

(none)



Evanston Public Record Requests

*Staff
Only*

(none)

Staff

Point of Contact

dreid@cityofevanston.org

Support

egomez@cityofevanston.org

ppratt@cityofevanston.org

sjones@cityofevanston.org

Tasks

Timeline

Department Assignment

Public

Added: Police.

August 16, 2018, 11:04am by Eduardo Gomez

Support Staff Added

Staff Only

Sarah Jones (Police)

Pandora Pratt

August 16, 2018, 11:04am by Eduardo Gomez



Evanston Public Record Requests

Support Staff Added

Staff Only

Eduardo Gomez

August 14, 2018, 10:35am (auto-assigned)

Request Visibility

Staff Only

Restricted

August 14, 2018, 10:35am (auto-assigned)

Request Opened

Public

Request received via web

August 14, 2018, 10:35am by Matt Brown